

DOCKET FILE COPY ORIGINAL
**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

ORIGINAL

RECEIVED

SEP 10 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
1998 Biennial Regulatory Review --)
Streamlining of Cable Television Services)
Part 76 Public File and Notice Requirements)
)

CS Docket No. 98-132

COMMENTS OF MEDIAONE

MediaOne Group, Inc. ("MediaOne") submits these comments in response to the Federal Communications Commission's ("FCC" or "Commission") Notice of Proposed Rulemaking in the above captioned matter.¹ MediaOne is the parent company of the third largest multiple system operator in the United States, providing a full range of broadband communications services to approximately 4.9 million customers. In this proceeding, the Commission requests comments on streamlining the public file and notice requirements in its Part 76 cable television rules.²

MediaOne supports the Commission's goals in this proceeding and proposes that the Commission move to an "available upon request" process for public access to documents currently maintained by cable operators under the Commission's rules in place of the current practice of maintaining an actual public file in each individual cable

¹ In the Matter of 1998 Biennial Regulatory Review -- Streamlining of Cable Television Services Part 76 Public File and Notice Requirements, CS Docket No. 98-132, Notice of Proposed Rulemaking, FCC 98-159, rel. July 20, 1998 ("NPRM").

² 47 C.F.R. §§ 76.1 - 76.1514 (1997).

No. of Copies rec'd 014
List ABCDE

system. Such an approach would significantly reduce the administrative burden on cable operators without significantly impacting the public's access to the information.

MediaOne supports the informal suggestions from the Cable Telecommunications Association ("CATA") to reorganize the public file and reporting requirements by placing them in three new subparts. MediaOne also proposes reduced retention periods for many of the records which are required to be maintained by cable operators under the Commission's rules. Finally, MediaOne urges the Commission to reject Ameritech's proposal to place required documents on the Internet. Such a requirement would only serve to increase the administrative burden on cable operators while limiting access to the documents by a significant portion of the general public. By implementing MediaOne's and CATA's proposals and rejecting the proposal by Ameritech, the Commission can significantly reduce the administrative effort necessary by cable operators to maintain files purely for regulatory purposes, while maintaining the public's ability to have access to the information as required by the Commission's rules. MediaOne requests that the Commission act expeditiously to implement these streamlining efforts.

I. INTRODUCTION AND SUMMARY

The assorted public file and notice requirements contained in Part 76 of the Commission's rules have been adopted on a piecemeal basis since the mid-1970s. The requirement for cable operators to maintain a separate public file was instituted in 1974.³ The evolution of the Commission's public file and reporting rules in some ways reflected the manner in which cable MSOs operated during the 70s and 80s—in a scattered and

³ See 39 FR 29186 (1974).

mostly independent fashion. In the early days of cable, systems generally encompassed a single community, had a separate headend and local office and were locally staffed. Community by community franchising resulted in a patchwork arrangement of cable systems with multiple MSOs operating cable systems in each metropolitan area. The 70s were also a time of heightened political activism with a strong bias towards direct public access to the records of broadcast and cable licensees. As with everything else, the times have changed and the ownership structure of cable has evolved.

Over the past 20 years the configuration of cable systems has changed significantly and the method of oversight has moved from private activism to a reliance on local governments and the Federal Communications Commission. MSOs have generally attempted to develop more clustered systems in the metropolitan areas and many of the smaller cable system operators have consolidated with others. Where there may have been one office per community in the past, now entire metropolitan areas are served by consolidated call centers and technical facilities which are open 24 hours a day, seven days a week.

MediaOne itself has undergone significant consolidation and restructuring. It has significantly reduced the number of headends and plant operations centers in many of its major markets. While these consolidations present MediaOne with tremendous opportunities to improve the quality of its products and customer service, they create administrative hardships relative to the current public file location requirements. MediaOne continues to maintain 'front counters' and 'payment centers' in many of the communities it serves, however, these facilities are not functionally designed to be

capable of maintaining or otherwise administering the requirements of the public files.

Where there still are front counters, they have a diminished role in customer service and are minimally staffed. It is no longer efficient to separately operate these locations simply for the purpose of maintaining an office where people may walk in to access the system's public file. This is particularly true given the rarity of requests for the information. As the cable business has evolved to meet the around-the-clock needs of customers, the Commission's public file and notice rules must similarly evolve.

**II. CABLE OPERATORS SHOULD NO LONGER BE REQUIRED TO
MAINTAIN A SEPARATE PUBLIC FILE FOR EACH CABLE SYSTEM;
INFORMATION PREVIOUSLY MAINTAINED SHOULD BE MADE
AVAILABLE TO THE PUBLIC UPON WRITTEN REQUEST**

As the Commission has acknowledged by releasing this NPRM, the public file and notice requirements need to be overhauled for more efficient recordkeeping. It is MediaOne's experience that the substantial majority of the items kept in the public files are rarely viewed (or requested) by members of the public.⁴ Instead they are only accessed by the Commission's field representatives for random compliance checks and by LFAs when a franchise is being renewed. The only moderate use of the public file is by political candidates or their staffs during election campaigns.⁵ Moreover, collection and maintenance of the documents necessary to populate the public files of numerous cable systems is a significant administrative burden.

⁴ In fact, MediaOne counsel performed an informal survey of its regions and found that no access to the public file, other than by legally qualified political candidates, has been requested in the past six months.

⁵ See 47 C.F.R. § 76.207.

MediaOne believes that the concept of a public file—with direct access by any member of the public at any time during normal business hours—may be outdated and that the public's (as well as the Commission's and LFA's) informational needs and access may be accomplished in a much more efficient manner. By moving to an "available upon request" system for the public (and an "available upon request" or direct access option for the FCC and LFAs) cable operators gain administrative efficiencies while the public retains necessary access to the information deemed important. Along those lines, MediaOne proposes the following with respect to access to the items that are currently kept in the "public file:"

- Cable operators shall be required to identify one location in each state where the information required by the FCC's rules is maintained for cable systems located in that state and where the public may request information;
- The public shall have access to the required information by written request. A cable operator would have ten days in which to respond to any such request for required information (except in the case of political files where a request could be made by phone or fax and the cable operator would have 24 hours to respond);
- The Commission and LFAs shall have access to the items in the public file, either, 1) by direct access (visiting the location where the information is maintained), or 2) by written request whereby the cable operator would have ten days in which to respond (unless expedited access was reasonably requested in which case the operator would be required to respond within 72 hours).

This modified set of information access rules will more appropriately fit the clustering strategy that most cable operators have implemented for improved service delivery and customer care. In light of the emergence of a regional approach to modern cable network design and operations, it is reasonable and necessary that the public file

requirements be revised accordingly. MediaOne's suggested approach provides an efficient solution which balances both the operator's and public's needs in this area.

III. MEDIAONE SUPPORTS THE REORGANIZATION OF THE COMMISSION'S RULES AS SUGGESTED BY CATA

CATA has proposed that the Commission amend its Part 76 rules to create three new subparts. These new subparts would encompass most of the Commission's existing notice, filing, and recordkeeping requirements for cable operators. New Subpart T would include all of the Commission's notice requirements, new SubPart U would contain the Commission's recordkeeping requirements, and Subpart V would contain the reporting and filing requirements. CATA has further proposed specific subsections under each of the subparts for additional segmentation. CATA believes that its proposed restructuring of the notice, filing and recordkeeping requirements will greatly assist cable operators in compliance with these requirements and will assist others in monitoring compliance.

MediaOne strongly supports CATA's proposal and concurs in its justifications. The existing requirements are too often intertwined and not easily followed by anyone who is not intimately familiar with the Commission's rules. The rules need to be reorganized in a clear, concise manner with no (or very limited) cross-referencing so that they can be easily understood and followed by cable system employees. Cable operators should not be required to guess whether they have fully complied with all applicable notice and recordkeeping requirements.

CATA's proposal clearly outlines the requirements into well-organized subparts. MediaOne believes that CATA's restructuring of the Commission's rules is logical and

easy to follow. The Commission can greatly assist cable operators, LFAs and subscribers by adopting CATA's suggested revisions.

IV. **MEDIAONE SUGGESTS MORE CONSISTENT AND SHORTENED
RETENTION PERIODS FOR THE RECORDS MAINTAINED BY
CABLE OPERATORS PURSUANT TO THE COMMISSION'S RULES**

MediaOne additionally requests that the Commission examine and simplify its record retention requirements for the records maintained under its rules. Towards this end, MediaOne proposes three groupings for all recordkeeping requirements: one year, three years, and ongoing. While MediaOne recognizes the importance of proper recordkeeping in ensuring compliance, there are many instances in the Commission's rules where there is no rational basis for the retention period specified. MediaOne uses significant file space in its cable systems and regional locations to maintain the records required by the Commission. A reduction in the specified retention period will assist MediaOne in reducing the amount of floor space required for these files. It will also assist MediaOne in the maintenance and administration of its files and allow for a more structured and consistent approach to the requirements for similar types of files.

MediaOne proposes the following retention periods for Commission specified recordkeeping:

One Year

General	Files which are required to be produced and maintained under the Commission's rules but where no retention period is specified
76.207	Political files
76.211(d)	Paid Political Advertising: Sponsorship List
76.211(f)	Advertising: Sponsorship Identification
76.225(c)	Commercial Matter on Children's Programming (Eliminate cable operator requirement to maintain programmer certifications)
76.607	Complaint Resolution

Three Years

76.79 EEO Records By System and Unit
76.504(e) Operator Interests in Video Programming
76.601(b) Proof of Performance Test Data
76.601(e) Signal Leakage Logs
& 76.614
76.3059a0(1) EAS Test Records
76.701(h) Leased Access Records

Ongoing Recordkeeping Requirements

76.302, Location of Principal Headend
76.5(pp),
& 76.58(c)
76.302 Availability of Signals
& 76.56(e)
76.970(e) Leased Access Rate Schedules

By reducing the number of retention periods, and shortening them into three years in some cases, the Commission can remove significant administrative and recordkeeping burdens from cable operators while preserving the records for periods sufficient to establish system compliance. Operators will also be able to easily categorize records into one of the three specified retention periods. This will greatly simplify recordkeeping and result in a higher degree of overall compliance in the cable industry. MediaOne urges the Commission to adopt its proposed record retention periods.

V. AMERITECH'S PROPOSAL THAT PUBLIC FILE INFORMATION BE AVAILABLE ON THE INTERNET WOULD PLACE UNNECESSARY ADDITIONAL BURDENS ON CABLE OPERATORS INCONSISTENT WITH THE GOALS OF THIS PROCEEDING

Ameritech has informally proposed that various of the current public file requirements be put on the Internet, including Equal Opportunity Employment records,

commercial records for children's programming, and must-carry reporting obligations that impact broadcasters. MediaOne opposes Ameritech's proposal. Instead of reducing a cable operator's administrative burdens, which must be properly considered one of the primary goals of Section 11 of the 1996 Telecommunications Act, Ameritech's proposal would substantially increase those burdens.⁶

From the outside, access to an Internet web site appears to be a simple matter of pointing and clicking. However, maintaining a web site which contains records which must be constantly added, removed or updated takes substantial employee and computer system resources.⁷ These resources are not inexpensive and are currently in high demand. Providing on-line access to many of the records required under the Commission's rules will be extremely difficult as they come from a variety of diverse sources and in formats which do not lend themselves to placement directly on a web site. Making such documents compatible with access via the Internet will require significant reformatting, retyping or document scanning, all of which add significant administrative costs and overhead. Additionally, the creation and updating of an Internet web site requires specialized training and knowledge. Many cable operators, especially small ones, do not have the resources or expertise in-house to establish and maintain such a web site. Ameritech's proposed solution would appear to significantly increase administrative burdens on most cable operators rather than to reduce them.

⁶ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996); 47 U.S.C. § 161.

⁷ The Commission should be well aware of the significant resources it must expend to update and maintain the records on its own Internet web site.

Moreover, many members of the public do not have ready access to the Internet. The Commission has stated that persons who do not have access to the appropriate technology must continue to have the information available to them. This would appear to require both an Internet solution and a manual (paper) solution. Such a redundant requirement would effectively double a cable operator's administrative burden with regards to recordkeeping under the Commission's rules. This result is clearly inconsistent with the Commission's charge under Section 11 and must be summarily rejected.

V. CONCLUSION

MediaOne believes that its proposals in these comments will further the goals of both cable operators and the Commission with regards to the administration and access to Commission required information by the public. By eliminating the public file and moving to an "available upon request" process, the Commission significantly reduces filing space and local system office requirements, consistent with the evolution of the cable industry, while maintaining the public's access to all relevant materials. MediaOne urges the Commission to adopt its proposals and the proposals put forth by CATA. MediaOne requests that the Commission reject Ameritech's Internet proposal as overly burdensome at this time. In any event, the Commission should move expeditiously to implement the requested reforms.

Respectfully submitted,

MEDIAONE GROUP, INC.

By: 

Susan M. Eid

Margaret A. Sofio

Gregory L. Cannon

1919 Pennsylvania Ave., N.W. #600

Washington, D. C. 20036

(202) 261-2001

September 10, 1998